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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,517	11/14/2003	Alfred J. Bilotti	PAT-1537	9961

7590

12/06/2005

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EXAMINER

SAWHNEY, HARGOBIND S

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,517

Applicant(s)

BILOTTI ET AL.

Examiner

Hargobind S. Sawhney

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-11, 14 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-11, 14 and 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on August 8, 2005 has been entered. Accordingly:
 - Claims 1, 2, 7-9 and 14 have been amended;
 - Claims 5, 6, 12, 13, and 16-19 have been canceled; and
 - New claims 20-23 have been added.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 7, 8, 11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Pan et al. (US Patent No.: 6,439,249 B1).

Regarding claims 1, 4, 7, 8, 11 and 14, Pan ('249 B1) discloses a lighting system comprising:

- a patio umbrella (Figure 1, column 2, lines 41 and 42), and the lighting system comprising:
- a power source 11 (Figure 1, column 2, line 61; and column 3, lines 25-30)

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- a plurality of light emitting diodes –LEDs- 5 (Figure 1, column 3, line 3) spaced apart along each of a plurality of wire branches 33 releasably attached to one of the ribs 3 (Figures 1-4, column 2, lines 53-62); and
- an interconnecting wire – the wire net mounted on a PCB 2 (Figure 1) - connecting the plurality of branch wires each bearing the LEDs 5 (Figure 1, column 3, lines 31-35); and the interconnecting wire 2 positioned adjacent the top end 1 of the pole 7 (Figure 1);
- a wire 8 coupling the power source connection 11 (Figure 1, column 3, lines 25-30) to the interconnecting wire 2 (Figure 1, column 3, lines 17 and 18);
- the LEDs devices 5 including the printed circuit board (PCB) 2 having the electrically coupled LEDs and a chip driver 12 (Figure 1, column 3, lines 9, 10, 31 and 32); and
- means 1 securing interconnecting wire – the PCB 2 – to the pole (Figure 1, column 3, lines 9 and 10).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pan et al. (US Patent No.: 6,439,249 B1) in view of Phyle (US Patent No.: 5,584,564).

Regarding claims 2 and 9, dependent on claims 1 and 8 respectively, Pan ('249 B1) in view of Mai ('417) discloses the light system comprising a switchable power supply 11 coupled to a rechargeable battery. However, Pan ('249 B1) does not specifically teach means for releasably mounting the battery to the pole.

On the other hand, Phyle ('564) disclose a battery operated lighting apparatus for an a patio umbrella (Figures 5 and 6) including a removable mounting bracket 38 mounted on the pole 20 of the umbrella, and the battery housing 34 being releasably mounted to the mounting bracket 38 (Figures 7 and 8, column3, lines 25-44).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify lighting system of Pan ('249 B1) by providing an assembly of removable battery housing with a bracket as taught by Phyle ('564) for benefit and advantage of a battery housing mounting providing easy access and quick mounting of the power source.

Regarding claims 3 and 10, dependent on claims 2 and 9 respectively, Pan ('249 B1) in view of Phyle ('564) discloses the light system further comprising the battery housing including a pocket – 34 accommodating the mounting bracket 38 within itself (Figures 7 and 8).

6. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pan et al. (US Patent No.: 6,439,249 B1).

Regarding claims 20 and 21, Pan ('249 B1) discloses the light system comprising a printed circuit board (PCB) – herewith considered as the interconnecting wire - electrically connecting branch wires each bearing LEDs (Figure 1, column 3, lines 9-12). Further Pan ('249 B1) teaches the PCB housed in the top portion surrounding the pole of the device.

However, Pan (' 249) does not specifically teach the interconnecting wire – the PCB – forming a ring about the pole.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify lighting system of Pan ('249 B1) by providing a interconnecting wire – PCB- forming a ring about the pole of the device, since such a modification would have involved a mere change in shape of the component. A change in shape is generally recognized as being within the level of ordinary skill in the art.

Regarding claims 22 and 23, each dependent on claim 8, Pan ('249 B1) discloses the light system meeting the limitations in similar manner as that applied for each of claims 20 and 21 detailed above.

Response to Amendment

7. Applicant's arguments filed on August 8, 2005 with respect to the 35 U.S.C. 103(a) rejections of claims 1-19 have been fully considered but they are but are moot in view of the new ground(s) of rejections.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Lai (U.S. Patent Application Pub. No. US 2003/0000557 A1), Lee (U.S. Patent No. 6,499,856 B2) and Wu (U.S. Patent No. 6,126,293

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S. Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 8:15 - 4:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS
11/30/2005


Stephen Husar
Primary Examiner